IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 436 OF 2006
FROM
CHAMBER SUMMONS NO. 52 OF 2005
IN
EXECUTION APPLICATION NO.377 OF 2003
IN
BEFORE THE SOLE ARBITRATOR MR. M.H.KANIA
(Retd.Chief Justice of India)

M/s. Khanna Rayon Industries Limited and others .. Appellants. (Org.Claimants)

V/s.

Shri Kishor Danabhai Patel & Ors. .. Respondents. (Org.Respondents)

Mr.Kishore Jain with Mr.Shrikant Shah & Ms.Sheetal S. Shah i/by M/s. Mehta & Girdharlal for the Appellants.

Mr.Snehal Shah i/by M/s. Purnanand & Co. for the Respondents.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 18TH AUGUST, 2006.

P.C.:

. Heard.

2. The counsel for the Respondents submits that the Respondents shall apply to the Chamber Judge for attachment of the property of the claimants now disclosed and that the Respondents have no objection if the order in terms of prayer (c) granted by the learned

Chamber Judge, is ordered to be discharged after four weeks.

3. Since the only grievance raised by the Appellants in this Appeal is with regard to the order passed by the learned Chamber Judge in terms of prayer (c), we are satisfied that following order in the Appeal shall meet the ends of justice :-

ORDER

i. The order of injunction, restraining the claimant Nos.2 to 4 from alienating, parting with possession and /or disposing of the properties, shall come to an end on expiry of four weeks from today.

ii. The impugned order dated 23rd August, 2005 stands modified accordingly.

iii. The Respondents shall be at liberty to apply to the learned Chamber Judge for attachment of the property held by the present Appellant Nos.2 to 4 herein.

iv. Needless to clarify that the Application for attachment of the property held by the Appellant Nos.2

to 4, as and when made, shall be disposed of after hearing the claimant Nos.2 to 4, uninfluenced by any observation made in the impugned order.

v. The Appeal is disposed of accordingly.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

.....